

ORDINANCE NO. 2023-35

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW
JERSEY AMENDING VARIOUS SECTIONS OF
CHAPTER 55 OF THE TOWNSHIP CODE
ENTITLED “LAND USE”**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the following sections of Chapter 55 of the Township Code entitled “Land Use” is hereby amended and supplemented as follows:

SECTION 1. Chapter 55-305 of the Township Code entitled “Definitions and Word Usage” is hereby amended and supplemented to add the following definition:

FUEL AND CONVENIENCE STORE. An automobile filling station and convenience store located on the same lot and planned and operated and maintained as an integrated operation under common ownership. Typically, a retail store designed to and stocked to sell primarily fresh and pre-packaged food, beverages and other household/personal use items to the public in addition to the retail sale of fuel products, including but not limited to gasoline, diesel, and liquefied petroleum gas, but where no automotive repair or vehicle sales are undertaken. A fuel station and convenience center can operate 24 hours a day.

SECTION 2. Chapter 55-20 of the Township Code entitled “C-PHD Planned Highway Development Commercial” is hereby amended and supplemented to add the following conditional use:

C. Conditional Uses. The following uses shall be permitted in the C-PHD Zone, subject to the issuance of a conditional use permit in accordance with the provisions of this chapter.

- (1) Unchanged.
- (2) Unchanged.
- (3) Unchanged.
- (4) Unchanged.
- (5) Unchanged.
- (6) Unchanged.
- (7) Unchanged.

- (8) Unchanged.
- (9) Unchanged.
- (10) A fuel and convenience store subject to the following standards:
 - (a) Minimum requirements shall be as follows:
 - [1] Minimum area, yard and building requirements.
 - [a] Lot requirements.
 - [I] Lot area: one-and-a-half (1.5) acres
 - [II] Lot width: one hundred (100) feet
 - [III] Lot depth: one hundred seventy five (175) Feet
 - [b] Principal building requirements.
 - [I] Front yard setback building - measured from NJSH DTS (Desired Typical Section) Line: twenty (20) feet; all other streets thirty (30) feet
 - [II] Side yard setback building: fifteen (15) feet
 - [III] Combined side yard setback building: thirty (30) feet
 - [c] Accessory building requirements.
 - [I] Front yard setback canopy - measured from NJSH DTS (Desired Typical Section) Line: twenty-five (25) feet, all other streets thirty (30) feet
 - [II] Side yard setback canopy: twenty (20) feet
 - [III] Combined side yard setback building: thirty (30) feet
 - [d] Maximum building coverage shall be thirty-five

(35) percent

- [e] Maximum impervious coverage shall be eighty (80) percent
- [f] Maximum principal building height: thirty-five (35) feet
- [g] Refuse area side yard setback: five (5) feet
- [h] Refuse area rear yard setback: ten (10) feet

[2] Site design requirements.

- [a] Building setbacks shall not apply to underground storage tanks.
- [b] Detention basins and storm water management features as well as retaining walls shall be permitted in front yard areas.
- [c] At least one point of access shall be provided directly from a State Highway.
- [d] At minimum two points of ingress/egress shall be provided.
- [e] No part of any automobile filling station may be used for residential or sleeping purposes.
- [f] No junked motor vehicle or boat or part thereof or any unlicensed or unregistered motor vehicle shall be permitted on the premises of any fuel and convenience store.
- [g] The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for sale purposes shall not be permitted as part of a fuel and convenience store.
- [h] No parking of vehicles shall be permitted on an unpaved area.
- [i] Lawn area shall be provided at 5 feet from the right of way or property line except ingress/egress drives.

- [j] Oversized vehicle parking shall be permitted.
- [3] Signage requirements.
- [a] A maximum of one (1) free-standing site identification sign per street frontage shall be permitted, subject to the following standards:
 - [I] The maximum height from ground level to the uppermost portion of the sign, including any posts, brackets and other supporting elements shall not exceed 18 feet.
 - [II] The maximum width of the sign, including any posts, brackets and other supporting elements, shall not exceed 10 feet.
 - [III] The maximum area of the primary sign panel shall not exceed 24 square feet, within which the maximum height of individual letters, numbers or other characters, images or logos shall not exceed four (4) feet, internally- illuminated channel letters or back-lit letters shall be permitted.
 - [IV] The maximum area of electronic message board for price display only shall not exceed 36 square feet, within which the maximum height of individual letters, numbers or other characters, images or logos shall not exceed three (3) feet.
 - [V] The maximum area of secondary sign panels shall not exceed eight (8) square feet for a total not to exceed 32 square feet, within which the maximum height of individual letters, numbers or other characters, images or logos shall not exceed one (1) foot.
 - [VI] No portion of such sign shall be located within ten (10) feet of any Parcel line or within any clear sight triangle.

[VII] No portion of such sign shall project or extend over sidewalks, walkways, driveway or parking areas.

[VIII] The free-standing monument identification sign may identify or advertise any of the uses contained with the fuel and convenience store definition.

[VI] The base of the free-standing monument identification sign shall be provided with an enhanced landscape buffer. Such buffer shall contain ground-level landscaping and shrubs and may include bio-retention swales or other Green Infrastructure elements, to the extent practical.

[VII] Where signage is to be relocated from an existing business immediately contiguous to the fuel and convenience store said relocated business shall be entitled to an additional 18 square foot panel on each free standing identification sign.

[b] A maximum of three (3) directional signs shall be permitted, subject to the following standards:

[I] The maximum size of the sign shall not exceed seven (7) square feet.

[II] The maximum height from ground level to uppermost portion of the sign, including any posts, brackets and other supporting elements shall not exceed three (3) feet.

[III] The maximum height of the sign shall not exceed four (4) feet.

[IV] The maximum width of the sign shall not exceed three (3) feet.

[V] The maximum height of individual letters, numbers of other characters, images or logos shall not exceed twelve (12) inches.

[VI] No portion of such sign shall be located within ten five (105) feet of any Parcel line or within any clear sight triangle.

[VII] No portion of such sign shall project or extend over sidewalks, walkways, driveways or parking areas.

[VIII] The base of the directional signs shall be provided with an enhanced landscape buffer. Such buffer shall contain ground-level landscaping.

[c] A maximum of two (2) wall-mounted building signs shall be permitted, subject to the following standards:

[I] The maximum size of the sign shall not exceed 70 square feet for a total not to exceed 105 square feet.

[II] The maximum height of the sign shall not exceed six (6) feet.

[III] The maximum width of the sign shall not exceed sixteen (16) feet.

[IV] The maximum height of individual letters, numbers or other characters, images or logos shall not exceed four (4) feet.

[V] No portion of such sign shall extend above or beyond the limits of the wall to which it is affixed.

[d] A maximum of two (2) canopy-mounted signs shall be permitted, subject to the following standards:

[I] The maximum size of the sign shall not exceed 12 square feet.

[II] The maximum height of the sign shall not exceed two (2) feet.

[III] The maximum width of the sign shall not exceed eight (8) feet.

[IV] The maximum height of individual letters, numbers or other characters, images or logos shall not exceed 18 inches.

[V] No portion of such sign shall extend above or beyond the limits of the side of the canopy to which it is affixed.

[e] A maximum of two (2) canopy spanner signs over the fuel dispensers shall be permitted, subject to the following standards:

[I] The maximum size of the sign shall not exceed forty (40) square feet.

[II] The maximum height of the sign shall not exceed two (2) feet.

[III] The maximum width of the sign shall not exceed twenty (20) feet.

[IV] The maximum height of individual letters, numbers or other characters, images or logos shall not exceed 18 inches.

[V] Spanner signs shall be non-illuminated.

[f] A maximum of two (2) air pump sign shall be permitted, subject to the following standards:

[I] The maximum size of the sign shall not exceed two (2) square feet.

[II] The maximum height of the sign shall not exceed two (2) feet.

[III] The maximum width of the sign shall not exceed three (3) feet.

[IV] The maximum height of individual letters, numbers or other characters, images or logos shall not exceed six (6) inches.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **9th day of November, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **5th day of December, 2023, at 10:00 AM** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC,
Municipal Clerk